

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VINCENT JAMES SANCHEZ,
Plaintiff,

v.

COT WALTON, *et al.*,
Defendants.

FILED

CIVIL ACTION NO. 18-CV-3415

SEP 28 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 27th day of September, 2018, upon consideration of Plaintiff Vincent James Sanchez's Motion to Proceed *In Forma Pauperis* (ECF No. 6), Prisoner Trust Fund Account Statement (ECF No. 7), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Vincent J. Sanchez, #NL-0631, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Sanchez, an initial partial filing fee of \$6.33 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Phoenix or at any other prison at which Sanchez may be incarcerated is directed to deduct \$6.33 from Sanchez's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3415. In each succeeding month when the amount in Sanchez's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Sanchez's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-3415.

3. The Clerk of Court is **DIRECTED** to send a copy of this order to the Superintendent of SCI-Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) in accordance with the Court's Memorandum. The dismissal is **without prejudice** to Sanchez filing a *habeas corpus* petition pursuant to 28 U.S.C. § 2254 or an amended complaint, whichever is more appropriate based on the facts as they are known to him

6. If Sanchez opts to file an amended complaint, he may do so within thirty (30) days of the date of this Order in the event he can state a plausible basis for a claim. Any amended complaint must identify all defendants in the caption and must state how each defendant is responsible for violating Sanchez's rights. Any amended complaint must be a complete document that sets forth all the bases for Sanchez's claims against the defendants without relying on other pleadings filed in this case. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED**.

7. The Clerk of Court shall send Sanchez a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the civil action number of this case. Sanchez may use this form to file his amended complaint.

8. If Sanchez fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:


C. DARNELL JONES, II, J.